

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WDH LLC,

Plaintiff,

v.

ROBERT SOBCZAK-SLOMCZEWSKI,

Defendant.

ORDER

10-cv-741-wmc

Before the court is plaintiff's motion to compel discovery. In support of its motion, plaintiff's attorney submitted a declaration with exhibits. These documents indicate that, on March 4, 2011, plaintiff sent a letter to defendant with discovery requests, including a first set of interrogatories, requests for admission and requests for production of documents. On April 28, 2011, plaintiff's attorney sent defendant a letter reminding him of his obligation to answer discovery requests.

At the May 5, 2011 status conference, I gave defendant a final opportunity to respond to the discovery requests after plaintiff provided him with a third copy of the requests. On July 11, 2011, defendant provided to plaintiff his responses to requests for admissions, but did not respond to interrogatories or requests for production of documents. On July 19, 2011, plaintiff's counsel provided defendant a final opportunity to comply with their discovery requests. She advised him specifically as to the deficiencies in his responses to the requests for admissions. When defendant did not respond, plaintiff filed its motion to compel.

Defendant's response to this motion was to be filed not later than September 7, 2011. On September 12, 2011, the court received defendant's response to plaintiff's motion to compel.

Defendant attaches his original response to requests for admission and says he cannot answer interrogatories and document requests because he has lack of access to the documents.

This response is deficient. Defendant must specifically answer each interrogatory to the best of his ability and must provide a specific answer to each request for production of documents. If in fact a specific document is not in his possession, then he must state this as his answer to a specific request. Further, as to the requests for admission, defendant must specifically admit or deny each request. His objections to the requests are not valid. In its motion to compel, plaintiff asks that the requests be deemed admitted. However, before doing this the court will give defendant a final opportunity to admit or deny the requests for admission.

The court will grant plaintiff's motion to compel discovery. Defendant shall provide his amended responses to the requests for admissions, answers to interrogatories and responses to requests for production of documents not later than September 26, 2011. Failure to so shall result in sanctions, which could include default judgment in favor of plaintiff. Pursuant to Fed. R. Civ. Pro. 37(a), plaintiff is entitled to have defendant pay plaintiff's reasonable expenses, including attorney's fees, incurred in bringing its motion.

ORDER

IT IS ORDERED that:

(1) Plaintiff's motion to compel defendant to answer discovery requests and for sanctions, dkt. 23, is GRANTED. Defendant shall submit provide specific, complete responses to each of plaintiff's pending discovery requests and demands not later than September 28, 2011.

(2) Defendant shall pay plaintiff's expenses reasonably incurred in filing this motion for discovery. Not later than September 21 2011, plaintiff may submit its itemized bill of expenses claimed. Defendant may have until September 28, 2011, within which to file any objection to the reasonableness of the amount claimed.

Entered this 14th day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge